

1 David Rucker P-29892
 2 P.O. Box 689 DW-113U
 3 Soledad, CA 93960
 4

FILED
 08 MAY 16 PM 12:45
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

5 **IN THE UNITED STATES DISTRICT COURT**
 6 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

7 **David Rucker, et.al)**
 8 **Plaintiff)**

9 **v.)**

10 **Ben Curry, Warden)**
 11 **Deffendant)**

12 **No. C08-1497JSW (PR)**

13 **Motion for Clarification on the**
 14 **Order of dismissal with Leave**
 15 **to Amend**

16 To the Honorable Judge Jeffrey S. White, United States District
 17 Judge:

18 Petitioners wishes to have more clarification on the order
 19 dismissing plaintiffs Thibeault, Moreno, Alls, Littleton, Comeaux,
 20 and S. Kelley from this action.

21 Plaintiffs are members of the Men's Advisory Council Executive
 22 Body at the Correctional Training Facility. As duly elected
 23 members of the Men's Advisory Council, we are representatives of
 24 the General Population at the Correctional Training Facility -
 25 Central Facility. The petition for writ of Habeas Corpus was
 26 submitted as a class action on behalf of the general population
 27 with the custody level of close B custody. Plaintiffs signed the
 28 petition as a body of men representing a body of men in a class
 action lawsuit.

Plaintiffs contend that pursuant to the provisions of CCR Title
 15, §3230, they have and maintain the Departmental right as
 outlined by regulation to represent the interests of the general
 population as a body of men not as individuals.

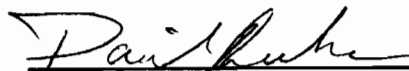
1 As the Chairman of this body of men, plaintiff Rucker is
2 representing a population of inmates with the custody level of
3 close B custody. The allegations in the petition does not just
4 pertain to him alone.

5 If the court wishes for each plaintiff to file in the court
6 application to proceed in forma pauperis this would indicate that
7 approximately 600 inmates that the Men's Advisory Council
8 represents would have to file to proceed in forma pauperis. Again
9 plaintiffs file this petition as a class action, as state within
10 the petition.

11 The Court makes the claim that the plaintiff's do not have access
12 to one another. We are the Executive Body of the Men's Advisory
13 Council, a body of men that meet on a daily basis, so we do see
14 each one another every day.

15 Accordingly, plaintiffs request that the complaint be accepted
16 not as an individual complaint. But, because we are a body of
17 men elected to represent a population of men, the complaint is
18 filed as a class action lawsuit as mention in the body of the
19 complaint.

20
21 Date: 5-14-08



David Rucker
Petitioner Pro Se

PROOF OF SERVICE BY MAIL
BY PERSON IN STATE CUSTODY
(C.C.P. §§ 1013(A), 2015,5)

I, David Rucker, declare:

I am over 18 years of age and I am party to this action. I am a resident of CORRECTIONAL TRAINING FACILITY prison, in the County of Monterrey, State of California. My prison address is:

David Rucker, CDCR #: P-29892
CORRECTIONAL TRAINING FACILITY
P.O. BOX 689, CELL #: DW-113U
SOLEDAD, CA 93960-0689.

On May 14, 2008, I served the attached:

Motion for Clarification on the Order of Dismissal
with Leave to Amend


on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff), with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named institution in which I am presently confined. The envelope was addressed as follows:

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA
450 Golden Gate Avenue
San Francisco, California 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 14, 2008.


David Rucker
Declarant